

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	217538
Client Reference No.	
First Inventor	KWOK, K. Keith
Title	FREE-FLOWING LYOPHILIZED TOBRAMYCIN FORMULATION
Express Mail Label No.	EV335718515US

APPLICATION ELEMENTS

1. Utility Patent Application Transmittal Form
2. Applicant claims small entity status. See 37 CFR 1.27.
3. Specification (including claims and abstract) [Total Pages 26]
4. Drawings [Total Sheets]
5. Combined Declaration and Power of Attorney [Total Pages]
 a. Newly executed
 b. Copy from prior application [Note Box 6 below]
 i. Deletion of Inventor(s) Signed statement attached deleting inventor(s) named in the prior application
6. Incorporation by Reference: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference.
7. Application Data Sheet. See 37 CFR 1.76
8. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
9. Nucleotide and/or Amino Acid Sequence Submission
 a. Computer Readable Form (CRF)
 b. Specification Sequence Listing on:
 i. CD-ROM or CD-R (2 copies); or
 ii. Paper Copy
 c. Statement verifying identity of above copies

Mail Stop Patent Application
ADDRESS TO: Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

ACCOMPANYING APPLICATION PARTS

10. Applicant requests early publication. (include publication fee under 37 CFR 1.18(d))
11. Assignment Papers (cover sheet and document(s))
12. 37 CFR 3.73(b) Statement (when there is an Assignee)
13. Power of Attorney
14. English Translation Document (if applicable)
15. Information Disclosure Statement (IDS)
 Form PTO-1449
 Copies of References (except for U.S. patents and applications)
16. Preliminary Amendment
17. Return Receipt Postcard (Should be specifically itemized)
18. Claim of Priority & Certified Copy of Priority Document(s)
19. Request & Certification Under 35 USC 122(b)(2)(B)(i) (Form PTO/SB/35 or its equivalent must be submitted with this application to prevent publication at 18 months)
20.

21. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below:

Continuation Divisional Continuation-in-part of prior application no. Prior application information: Examiner ; Group Art Unit:

APPLICATION FEES

BASIC FEE				\$770.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	44	-20=	24	x \$18.00 \$432.00
Independent Claims	1	- 3=	0	x \$86.00 \$0.00
<input type="checkbox"/> Multiple Dependent Claim if applicable			+\$290.00	\$
Total of above calculations =				\$1,202.00
Reduction by 50% for filing by small entity =				\$()
<input type="checkbox"/> Assignment fee if applicable			+ \$40.00	\$
<input type="checkbox"/> Early publication fee if applicable			+ \$300.00	\$
TOTAL =				\$1,202.00

UTILITY PATENT APPLICATION TRANSMITTALAttorney Docket No. 217538
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22. Please charge my Deposit Account No. 12-1216 in the amount of \$1,202.00.

23. A check in the amount of \$ _____ is enclosed.

24. The Commissioner is hereby authorized to credit overpayments or charge any additional fees of the following types to Deposit Account No. 12-1216:

- a. Fees required under 37 CFR 1.16.
- b. Fees required under 37 CFR 1.17.

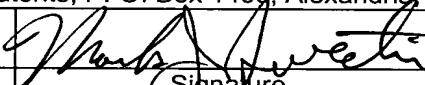
25. The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 12-1216 for any fee that may be due in connection with such a request for an extension of time.

26. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number: 23460 23460		<input type="checkbox"/> , Reg. No. Leydig, Voit & Mayer, Ltd. Two Prudential Plaza, Suite 4900 180 North Stetson Avenue Chicago, Illinois 60601-6780 (312) 616-5600 (telephone) (312) 616-5700 (facsimile)
Name	Steven H. Sklar, Registration No. 42,154	
Signature		
Date	April 19, 2004	

Certificate of Mailing Under 37 CFR 1.10

I hereby certify that this Utility Patent Application Transmittal and all accompanying documents are being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated below and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Mark J. Sweetin Name of Person Signing	 Signature	April 19, 2004 Date
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PATENT
Attorney Docket No. 217538

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

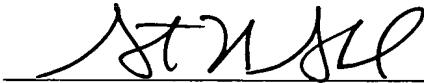
In re Application of:

Kwok et al.

For: FREE-FLOWING LYOPHILIZED
TOBRAMYCIN FORMULATION

REQUEST AND CERTIFICATION UNDER 35 USC 122 (b)(2)(B)(i)

The undersigned hereby certifies that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Pursuant to 37 CFR 1.213, the applicant hereby requests that the attached application not be published under 35 USC 122(b).



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Date: April 19, 2004